IV

IV.—LIABILITY OF THE GOVERNMENT TO ANSWER QUESTIONS BASED ON NEWSPAPER ALLEGATIONS.

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir; with regard to the question No. 12 of the hon. Member Mr. Harisarvottama Rao, I have to submit a few remarks for your consideration. It consists of three clauses (*a*), (*b*) and (*c*) and they are all answered together as though they related to only one matter, viz., the Bill of Mr. Harisarvottama Rao. I submit, Sir, that the first two clauses refer to the question of law relating to kudimaramat, which is of general importance, and only when the answer to these questions is in the positive, the clause (*c*) of the question has force. The hon. the Revenue Member said that he thought that all the three clauses referred only to the Bill of the questioner. There is the possibility of there being no answer to question (*c*) if the answer to either (*a*) or (*b*) is not in the positive. I would request the hon. the Revenue Member to take time if he likes and answer the question of general importance raised in the first two clauses of the question."

* The hon. Sir NORMAN MARJORIBANKS :—" Sir, the hon. Member has now explained the matter clearly. If I had understood his question in that way an answer would have been given before. There is no Bill relating to kudimaramat at present before the Government."

* Mr. S. SATYAMURTI :—" As regards question No. 20, Sir, it will be noticed that the hon. Member did make certain allegations in that question, namely, whether it is a fact that the Tahsildar of Gudiyattam recently assaulted a ryot of Katpadi when he was camping in that village ; whether there was a criminal complaint about him in the local panchayat court ; and whether the same officer kicked a Hindu idol. In answer to clause (*d*) asking whether the Government propose to instruct the Collector concerned to transfer him to some other taluk, the Government have stated that having regard to the answer to the questions (*a*), (*b*) and (*c*) the answer to this clause is in the negative. In answer to a supplementary question the hon. the Revenue Member stated that he wanted something more than the incorporation of the allegations in the question, before the Government would take any action in the matter. With all respect, I submit that both under the Standing Orders and under a ruling given by a distinguished predecessor of yours, Sir P. Rajagopala Achariyar, all that is required is that before the Government is called upon to take any action or to enquire into any matter, the Member putting the question must incorporate those allegations as part of his question. Recently also your office returned to me a question containing allegations from newspapers and asked me to incorporate those allegations as part of that question. I make myself responsible for the statement that these allegations are made ; I make these allegations myself. Beyond that, to require that I should vouchsafe for the accuracy of the statements I make is not proper. If so, the purpose of questions will be lost. If I know my allegations to be facts, I would then be supplying information to the Government and be liable to be ruled out very rightly. What all we can do is to incorporate the allegations in our questions and ask for accurate information from the Government. The Government must take action on our questions. I ask for a ruling on this point."

* Mr. T. Adinarayana Chettiyar :—" As one responsible for bringing this subject prominently before the Council to-day, I think I should also speak a few words to supplement what the hon. Member for the University has already said. In this particular case it was not possible for me to give more information than I have given already. Mr. Gnanaprakasam while returning from camp on 20th January last, it is reported, actually kicked a ryot at a place which was only 3½ miles from the headquarters of the District Magistrate. The assaulted individual complained to the village panchayat by means of a petition. The president of that panchayat court happens to be the karnam of the village. Mr. Gnanaprakasam seems to have sent for the karnam and unduly influenced him to withdraw his complaint. Since then, Mr. Gnanaprakasam had brought a case of illegal quarrying on Government lands against the assaulted ryot and I understand that attempts are being made to compromise with the ryot on terms that the ryot should withdraw his case and that the 'consideration' should be that the quarry case against him should be withdrawn."

* The hon. the President :—" I think the hon. Member is going beyond the actual limits of the question before the House. If the hon. Member likes, he may take responsibility for these matters and put them as further questions."

Mr. T. Adinarayana Chettiyar :—" Sir, I take full responsibility for all the information that I have given ; if I had attempted to give more in my original interpretation I would be ruled out as 'giving' information and not 'asking' for it More could not be expected of a non-official Member. They can only draw attention to what they hear of grave injustice on the part of officers of the Government, who ought to know better than this officer seems to have done, in this particular instance."

* The hon. Sir Norman Marjoribanks :—" Mr. President, Sir, in the first place I must submit that I have answered these questions as far as the information at the disposal of the Government would permit. The further question was whether we would make an enquiry into the matter. But the difficulty in that case is I do not know how it is provided for. The question is whether so and so assaulted so and so. Is it suggested that the Government should try the case and come to a conclusion and report it to the House? Government were asked to say whether the criminal complaint against this man was withdrawn. That can be ascertained. Then again it was asked whether on a previous occasion that officer kicked a Hindu idol. There are two criminal complaints against this officer and I do not see how the Government is to give reply to this question unless they were to try the cases themselves."

* Mr. S. Satyamurti :—" My province is not to advise the Government as to what they should do. The question is whether the Government are entitled to ask for something more than the incorporation of the allegations in the question. Then it is for the Government to decide what they should do and whether they should do anything at all. The only point for your ruling is whether the Government are entitled to ask for anything more than this. If I may for one moment advise such an exalted person as the hon. the Revenue Member of the Government of Madras, I may suggest to him

3rd September 1928] [Mr. S. Satyamurti]

to write to the Collector of the District of North Arcot and ask him for a report on the matter and if he is satisfied with the accuracy of these allegations to prosecute the officer concerned on these allegations in a court of law."

* The hon. Sir NORMAN MARJORIBANKS :—" I may say, Sir, that I did not say that I was entitled to get a further assurance from the hon. Member. I merely stated that I would not take the action suggested in the circumstances."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, my recollection is that the hon. the Revenue Member said that in cases of this sort further assurance from the questioner was necessary before he would take action in the matter. When the question is put in this form, I think the Government should take whatever action it is possible for them to take and not ask for further assurance in this matter."

* The hon. Sir NORMAN MARJORIBANKS :—" As I said, I did not contend that I was entitled to ask for further assurance."

* The hon. the PRESIDENT :—" The question for consideration is whether when a Member takes responsibility for the allegations contained in his question, the Government will be justified in asking for further assurance as to the truth of the allegations. Where Members refer to newspaper reports in their questions, my predecessor has held they should take the responsibility for the allegations in them by incorporating such allegations in their questions and not stop with merely referring to the newspapers. I think that the mere incorporation of the allegations in the question is sufficient so far as the questioner is concerned. It is for the Government to decide what answer they should give and they are not justified in asking for any further assurances."

V

PANEL OF CHAIRMEN.

The hon. the PRESIDENT :—" I have to announce to the House that I have appointed the following four gentlemen to be a panel of chairmen for this session :—

(1) Mr. Abdul Hamid Khan.

(2) Diwan Bahadur S. Kumaraswami Reddiyar.

(3) Mr. T. C. Srinivasa Ayyangar.

(4) Mr. V. I. Muniswami Pillai."

VI

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE IN *RE* THE SOUTH INDIAN RAILWAY STRIKE.

* Mr. S. SATYAMURTI :—" Sir, I ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the action taken by the Madras Government in connexion with the recent strike of the workers in the South Indian Railway, especially their indifference to arbitrate between the workers and the Company."

" The hon. the PRESIDENT :—" I wish to know whether there is any objection to my holding this motion to be in order."

9